

**City Of Milwaukee**  
Department of Public Works  
Room 501 – Frank P. Zeidler Municipal Building  
841 North Broadway  
Milwaukee, Wisconsin 53202-3684

**INVITATION TO BID**

Commissioner of Public Works  
Phone: 414-286-3314

OFFICIAL NOTICE NO. 126  
Project No. Lincoln Garage BU520104100  
Project No. Northwest Garage BU520105100

Sealed bids for the work, material, labor, and services hereinafter described will be received at the Department of Public Works **Contract Office**, Room 506, Frank P. Zeidler Municipal Building, 841 North Broadway, Milwaukee, Wisconsin 53202-3684, no later than **Wednesday, June 22, 2011** at 10:30 A.M.

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**IMPORTANT**

This bid is your offer to perform or supply the subject matter under "DESCRIPTION" below according to the terms and conditions set forth in this Invitation to Bid, Specific Official Notice No. 126 General Specifications, Detailed Specifications, Special Provisions, Plans of this particular project, the proposed contract and Special Conditions when applicable.

Your bid must meet the Detailed Specifications and the Plans for this particular project.

You must agree to comply with all applicable requirements of the Americans with Disabilities Act of 1990, 42 U.S.C. Section 12101, et seq.

The bid must be signed as set forth in the General Specifications and must comply with all the requirements therein set forth, or it will not be considered. If submitted by a corporation, the bid proposal must bear the corporate seal.

Bid security hereinafter specified must be submitted with your bid. If a bid bond is used, it must be sealed by the bonding company and be accompanied by an affidavit of no interest and a copy of a power of attorney. Bonding agents must be licensed to do business in the State of Wisconsin.

Bids received after the date and the time above specified will not be opened and read and will be deemed rejected.

**NOTE:** Also read the General Official Notice to Contractors, General and Detailed Specifications, Special Provisions, and Special Conditions when applicable pertaining to this bid.

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DESCRIPTION: COMPRESSED NATURAL GAS (CNG) FUELING SYSTEMS  
LINCOLN AVENUE GARAGE (3921 W LINCOLN AVE)  
NORTHWEST GARAGE (3025 W RUBY AVE)  
MILWAUKEE, WI 53202

DETAIL SPECIFICATIONS: **dated May 2011**

PLANS OF THIS BID PROJECT: **dated May 2011**



**CITY OF MILWAUKEE  
SPECIFIC OFFICIAL NOTICE NO. 126**

**Important Notice:**

The Invitation to Bid, all bid documents and the Plans & Specifications for the projects listed will be available electronically to prospective bidders via <http://www.mpw.net/bids/docs/126-2011>. Any required addenda or responses related to the listed projects will be posted on said website.

Bidders are encouraged to utilize this electronic method of obtaining bid documents as the Department of Public Works intends to solely use this method for future projects. At this time however, a limited number of hard copies of the above documents will also be available at address listed below.

Sealed bids will be opened on Wednesday, June 22, 2011 at 10:30 A.M. for the **COMPRESSED NATURAL GAS (CNG) FUELING SYSTEMS, 3921 W LINCOLN AVENUE AND 3025 W RUBY AVENUE MILWAUKEE, WI.**

Bid Security Required: Bond, Certified Check, Cashier's Check, or Cash to accompany bid: 10% of Contractor's Base Bid

Time for Completion: Project shall be substantially complete by Friday, November 18, 2011. Final completion of project shall be by Friday December 16, 2011. Notice to Proceed is anticipated to be Monday, July 11, 2011.

Liquidated Damages, per diem: \$1,000.00

The EBE requirement for this project is 25% of the contract base bid.

The residency requirement for this project is 40% of all hours worked on the project.

The apprenticeship requirements for this project are:

Apprentices from 2 of the following trade(s) are to be employed:

Electrician, Pipefitter, Mason, Laborer-General Buildings

The contractor shall specifically note the EBE, residency, and apprenticeship forms for this project. If the forms are not filled out properly, it will be cause for rejection of the bid.

Plans and project manual will be furnished to the prospective bidders upon payment of a \$10.00 non-refundable fee in room 506, Frank P. Zeidler Municipal Building, 841 North Broadway, Milwaukee, Wisconsin 53202. For general questions call 414-286-3314.

A \$10.00 per set additional non-refundable fee is required to obtain bid documents by mail. Plans are sent via U.S. mail unless other arrangements are made by the contractor.

Contractor must comply with all provisions of the CITY OF MILWAUKEE GENERAL OFFICIAL NOTICE TO CONTRACTORS published herein and at [http://www.mpw.net/services/bids\\_home](http://www.mpw.net/services/bids_home)

**Mandatory Pre-Bid Meeting:** A Pre-Bid Meeting is scheduled for **Wednesday, June 08, 2011, at 2:00 p.m. in Room 606 of the Frank P. Zeidler Municipal Building, 841 North Broadway, Milwaukee, Wisconsin.** Bidder participation is required to become familiar with all aspects of the project and bidding requirements. Contractors not attending the Pre-Bid meeting and field visit shall be ineligible to bid.

Signed:

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JEFFREY J. MANTES

Commissioner of Public Works

PUBLISH SIX (6) TIMES INSERTION WITHOUT FAIL, Tuesday, MAY 24, 2011





**Official Notice No. 126**

COMPRESSED NATURAL GAS (CNG) FUELING SYSTEMS  
LINCOLN AVENUE GARAGE (3921 W LINCOLN AVE)  
NORTHWEST GARAGE (3025 W RUBY AVE)  
MILWAUKEE, WI 53202

For furnishing all material and doing all the work necessary and required for the **COMPRESSED NATURAL GAS (CNG) FUELING SYSTEMS, 3921 W LINCOLN AVENUE AND 3025 W RUBY AVENUE MILWAUKEE, WI 53202**, all in accordance with the plans and project manual and Addendum No 1.

**\*ALL BIDS MUST BE TYPED OR PRINTED\***

**BASE BID FOR THE SUM**

(Bid in figures) \$ \_\_\_\_\_ Lump Sum

(Bid in words) \$ \_\_\_\_\_ Lump Sum

**ALTERNATES per Specification Section 01230:**

1 **DEDUCT for omitting pavement replacement at NW Garage Area 1** **22,800 Square Feet**

(Bid in figures) \$ \_\_\_\_\_ Per Square Foot

(Bid in words) \$ \_\_\_\_\_ Per Square Foot

2 **ADD for providing Lincoln Garage Modifications**

(Bid in figures) \$ \_\_\_\_\_ Lump Sum

(Bid in words) \$ \_\_\_\_\_ Lump Sum

3 **DEDUCT for omitting installation of Time Fill Hose Post Nos. 5 thru 8 at Lincoln Garage**

(Bid in figures) \$ \_\_\_\_\_ Lump Sum

(Bid in words) \$ \_\_\_\_\_ Lump Sum

4 **DEDUCT for omitting Fast Fill Dispenser (02-FD-02)**

(Bid in figures) \$ \_\_\_\_\_ Lump Sum

(Bid in words) \$ \_\_\_\_\_ Lump Sum

5	<b><u>DEDUCT for omitting provision of Canopy at Northwest Garage</u></b>	
(Bid in figures)	\$	Lump Sum
(Bid in words)	\$	Lump Sum
6	<b><u>ADD for pavement replacement at Northwest Garage Area 2</u></b>	
		<b>21,700 Square Feet</b>
(Bid in figures)	\$	Per Square Foot
(Bid in words)	\$	Per Square Foot
7	<b><u>ADD for pavement replacement at Northwest Garage Area 3</u></b>	
		<b>11,000 Square Feet</b>
(Bid in figures)	\$	Per Square Foot
(Bid in words)	\$	Per Square Foot
8	<b><u>DEDUCT for omitting installation of Time Fill Hose Post Nos. 1 thru 8 at Lincoln Garage</u></b>	
(Bid in figures)	\$	Lump Sum
(Bid in words)	\$	Lump Sum

**CONTRACT AWARD:**

The Commissioner of Public Works will award the contract on the basis of the Base Bid only or the Base Bid and the Alternate ADDS and DEDUCTS as funds permit.



**\*\*\* IMPORTANT NOTICE \*\*\***

**ALL BID PRICES MUST BE ENTERED IN WORDS AND IN NUMERALS. IN CASE OF VARIATION BETWEEN THE TWO, THE WORDS WILL PREVAIL.**

**IN ADDITION, IF THERE IS A DISCREPANCY BETWEEN THE TOTAL INDICATED IN THE PROPOSAL AND THE AMOUNT OBTAINED BY ADDING THE PRODUCTS OF THE QUANTITIES TIMES THE UNIT PRICES, THE LATTER SHALL GOVERN. ANY ERRORS FOUND IN THE TOTAL INDICATED SHALL BE CORRECTED AND THE CONTRACT AWARD SHALL BE MADE TO THE LOWEST RESPONSIBLE BIDDER BASED ON THE CORRECTED TOTAL.**

**IF DOUBT EXISTS AS TO WHAT IS BID, THE BID WILL BE REJECTED.**



## ACKNOWLEDGEMENTS PAGE

Official Notice No.126

Project No. Lincoln Garage BU520104100

Project No. Northwest Garage BU520105100

### EMERGING BUSINESS ENTERPRISE PROGRAM, RESIDENT PREFERENCE AND APPRENTICESHIP PROGRAM REQUIREMENTS

In submitting this bid, the bidder acknowledges, understands and agrees that submission of a bid shall commit the bidder to comply with the City's requirements as outlined in the Emerging Business Enterprise Program (EBE) Program, the Resident Preference Program and the Apprenticeship Program provisions. The bidder also agrees to comply with the specific requirements as follows:

The bidder's commitment for EBE participation on this project is 25 %

The bidder's commitment for Resident Preference Program Participation on the project is 40 %

The bidder's commitment for Apprenticeship Program participation on this project is:

Apprentice(s) from 2 of the following trade(s) are to be employed.

**Electrician, Pipefitter, Mason, Laborer-General Buildings**

In submitting this bid, the bidder understands that the Commissioner of Public Works reserves the right to reject any and all bids. If written notice of the acceptance of the bid is mailed, telegraphed, or delivered to the undersigned within forty-five (45) days after the opening thereof, the undersigned agrees to execute and deliver the contract in the prescribed form (contract form on file in the office of the Commissioner of Public Works) and furnish the required performance and payment bonds, and to meet such insurance requirements as may be required, within ten days after the receipt of the official notice of award.

This bidder understands that if they are the successful bidder and the contract is awarded, that pursuant to Sec. 7.14, Milwaukee City Charter, 1971 Compilation, as amended, failure to execute and to deliver the contract or to furnish the required insurance and the required security within ten (10) days after receipt of the official notice of award or such extension thereto as the Commissioner only may deem reasonable, the City, in addition to any other legal or equitable remedy which it may have, may annul the award and notice of award, and the bid security of this bidder will be forfeited.

Attached hereto is an affidavit in proof that the undersigned has not colluded with any person in respect to this bid or any other bid for the contract for which this bid is submitted.

We acknowledge the receipt of Addenda \_\_\_\_\_ to \_\_\_\_\_ inclusive.

Bidder assures the City and acknowledges that the Official Notice, Special Provisions, if any, Special Conditions where applicable, Invitation to Bid and Bid, Detail Specifications, Addenda, if any, and Plans of this particular project have been read and has a full understanding of the provisions therein.



## SIGNATURE PAGE

Rev. 7/2010

Official Notice No. 126

Project No. Lincoln Garage BU520104100

Project No. Northwest Garage BU520105100

In signing and submitting this bid, the bidder assures the City of Milwaukee that the Official Notice, Notice to Bidders, Special Conditions where applicable, Invitation to Bid and Bid, Detail Specifications, Special Provisions, schedule of fixed prices, Addenda, and Plans of this particular project have been read and understood and that the furnishing of the subject work, material, labor and services is under bidder's control. If the bidder's performance is contingent upon the acts of another party, the bidder assures that they have the necessary commitments to complete the contract which may be awarded.

Submitted by \_\_\_\_\_  
Name of Bidder (person, firm or corporation)

Telephone No. \_\_\_\_\_

Fax No. \_\_\_\_\_

Address \_\_\_\_\_

\_\_\_\_\_  
(City, State, Zip Code)



Signed per \_\_\_\_\_  
(Manual signature required)

**MUST BE SIGNED**

Official Capacity \_\_\_\_\_

BID DATED \_\_\_\_\_ EBE Contractor Yes \_\_\_\_\_ No \_\_\_\_\_

If a Corporation, answer the following:

Incorporated under laws of what state? \_\_\_\_\_

If a foreign corporation, are you licensed to do business in Wisconsin? \_\_\_\_\_

### SWORN STATEMENT OF BIDDER AS REQUIRED BY SECTION 66.0901 (7) WISCONSIN STATUTES

I, being first duly sworn at \_\_\_\_\_  
(City, State)

on oath state on behalf of said bidder, that I have examined and carefully prepared this proposal from the plans, specifications, and the other contract documents and have checked the same in detail before submitting this proposal; and this sworn statement is hereby made a part of the foregoing proposal.



**MUST BE SIGNED**

Signature \_\_\_\_\_

\_\_\_\_\_  
(Title, if any)

Subscribed and sworn to before me this

\_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

Notary Public, \_\_\_\_\_ County

State of \_\_\_\_\_

\_\_\_\_\_  
(Notary Signature)

My commission expires \_\_\_\_\_



## NON-COLLUSION AFFIDAVIT

State of \_\_\_\_\_ )  
County of \_\_\_\_\_ ) ss.

\_\_\_\_\_, being first duly sworn,  
deposes and says that:

(1) He is

of (owner, partner, officer, representative, or agent)

\_\_\_\_\_, the Bidder that has submitted the attached Bid;

(2) He is fully informed respecting the preparation and contents of the attached Bid and of all pertinent circumstances respecting such Bid;

(3) Such Bid is genuine and is not a collusive or sham Bid;

(4) Neither the said Bidder nor any of its officers, partners, owners, agents, representatives, employees, or parties in interest, including this affiant, has in any way colluded, conspired, connived, or agreed, directly or indirectly with any other Bidder, firm, or person to submit a collusive or sham Bid in connection with the Contract for which the attached Bid has been submitted or to refrain from bidding in connection with such Contract, or has in any manner, directly or indirectly, sought by agreement or collusion or communication or conference with any other Bidder, firm, or person to fix the price or prices in the attached Bid or of any other Bidder, or to fix any overhead, profit, or cost element of the Bid price or the Bid price of any other Bidder, or to secure through any collusion, conspiracy, connivance, or unlawful agreement any advantage against the Commissioner of Public Works or any person interested in the proposed Contract; and

(5) The price or prices quoted in the attached Bid are fair and proper and are not tainted by any collusion, conspiracy, connivance, or unlawful agreement on the part of the Bidder or any of its agents, representatives, owners, employees, or parties in interest, including this affiant.

(Check One) \_\_\_\_\_  
Signature of :

\_\_\_\_\_ Bidder if the bidder is an individual;

\_\_\_\_\_ Partner if the bidder is a partnership;

\_\_\_\_ Officer if the bidder is a corporation.

Subscribed and sworn to before me this

\_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Notary Signature

My commission expires \_\_\_\_\_, 20\_\_\_\_.



## Disclosure of Ownership

**Notice required under Section 15.04(1)(m), Wisconsin Statutes.** The statutory authority for the use of this form is prescribed in Sections 66.0903(12)(d) and 103.49(7)(d), Wisconsin Statutes. The use of this form is mandatory. The penalty for failing to complete this form is prescribed in Section 103.005(12), Wisconsin Statutes. Personal information you provide may be used for secondary purposes.

- (1) On the date a contractor submits a bid to or completes negotiations with a state agency or local governmental unit, on a project subject to Section 66.0903 or 103.49, Wisconsin Statutes, the contractor shall disclose to such state agency or local governmental unit the name of any "other construction business", which the contractor, or a shareholder, officer, or partner of the contractor, owns or has owned within the preceding three (3) years.
- (2) The term "other construction business" means any business engaged in the erection, construction, remodeling, repairing, demolition, altering, or painting and decorating of buildings, structures, or facilities. It also means any business engaged in supplying mineral aggregate, or hauling excavated material or spoil as provided by Sections 66.0903(3), 103.49(2), and 103.50(2), Wisconsin Statutes.
- (3) This form must **ONLY** be filed, with the state agency or local governmental unit that will be awarding the contract, if **both (A) and (B) are met**.
  - (A) The contractor, or a shareholder, officer, or partner of the contractor:
    - (1) Owns at least a 25% interest in the "other construction business", indicated below, on the date the contractor submits a bid or completes negotiations.
    - (2) Or has owned at least a 25% interest in the "other construction business" at any time within the preceding three (3) years.
  - (B) The Wisconsin Department of Workforce Development (DWD) has determined that the "other construction business" has failed to pay the prevailing wage rate or time and one-half the required hourly basic rate of pay, for hours worked in excess of the prevailing hours of labor, to any employee at any time within the preceding three (3) years.

### Other Construction Business

Name of Business

Street Address or P O Box

City

State

Zip Code

Name of Business

Street Address or P O Box

City

State

Zip Code

Name of Business

Street Address or P O Box

City

State

Zip Code

Name of Business

Street Address or P O Box

City

State

Zip Code

**I hereby state under penalty of perjury that the information, contained in this document, is true and accurate according to my knowledge and belief.**

Print the Name of Authorized Officer

Signature of Authorized Officer

Date Signed

Name of Corporation, Partnership, or Sole Proprietorship

Street Address

City

State

Zip Code

**If you have any questions call (608) 266-0028**



## NOTICE TO CONTRACTORS

**PLEASE NOTE:** Effective December 28, 2005, the City of Milwaukee adopted an ordinance relative to the disclosure of participation in or profits derived from slavery by contractors. All contractors awarded a contract on behalf of the City of Milwaukee, whether or not subject to a competitive bid, shall complete an affidavit prior to entering into the contract verifying that the contractor has searched any and all records of the company or any predecessor company regarding records of investments or profits from slavery or slaveholder insurance policies during the slavery era. The names of any enslaved persons or slaveholders described in those records must be disclosed in the affidavit.

The City shall make the information contained in the affidavit available to the public. Any contract between the City and a contractor which fails to provide the requisite affidavit or which includes material false information on such affidavit shall be rendered null and void. To reference Milwaukee Code of Ordinances 310-14, please see:

<http://cc-codenew.milwaukee.gov/code/volume3/ch310.pdf>

## **NOTICE TO CONTRACTORS**

Effective immediately, the City of Milwaukee has adopted an ordinance relative to Prompt payment as follows:

2.9.16.b) It is the City's policy to pay all invoices within 30 days. If the City does not make payment within 45 days after receipt of properly completed supporting payment and other required contract documentation, the City shall pay simple interest beginning with the 31<sup>st</sup> calendar day at the rate of one percent per month (unless the amount due is subject to a good-faith dispute and, before the 45<sup>th</sup> day of receipt, notice of the dispute is sent to the contractor by first-class mail, personally delivered, or sent in accordance with the notice provisions in the contract). If there are subcontractors, consistent with s.66.0135(3), Wis. Stats., the prime contractor must pay the subcontractors for satisfactory work within seven days of the contractor's receipt of payment from the City of Milwaukee, or seven days from receipt of a properly submitted and approved invoice from the subcontractor, whichever is later. If the contractor fails to make timely payment to a subcontractor, the contractor shall pay interest at the rate of 12 percent per year, compounded monthly, beginning with the 8<sup>th</sup> calendar day. Reference Common Council File No. 101137 adopted January 2011.

**CITY OF MILWAUKEE - DEPARTMENT OF PUBLIC WORKS**  
**AFFIDAVIT OF COMPLIANCE**  
**DISCLOSURE OF PARTICIPATION IN OR PROFITS DERIVED**  
**FROM SLAVERY BY CONTRACTORS**

COMPANY NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

CITY/STATE/ZIP: \_\_\_\_\_

This affidavit of compliance will be the contractor's sworn statement that publicly discloses any slavery policies sold by any companies, or profits from slavery by industries or their predecessors who are doing business with the City of Milwaukee as defined in the Milwaukee Code of Ordinances 310-14.

Please check one:

\_\_\_\_\_ This business **was not** in existence prior to 1865.

\_\_\_\_\_ This business **was** in existence prior to 1865. I have searched any and all records for records of investments or profits from slavery and have found no such records.

\_\_\_\_\_ This business **was** in existence prior to 1865. I have searched any and all records for records of investments or profits from slavery and am disclosing the findings on the attached pages.

I hereby declare that all statements are true, accurate and complete as of the date furnished to the City of Milwaukee.

AUTHORIZED SIGNATURE: \_\_\_\_\_

PRINTED NAME: \_\_\_\_\_

Subscribed to before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_

NOTARY PUBLIC \_\_\_\_\_ County, \_\_\_\_\_ State

SIGNATURE: \_\_\_\_\_

(Seal)

PRINT NAME: \_\_\_\_\_

My commission expires: \_\_\_\_\_

Ref: slaverydisclosureaffidavit



**AFFIDAVIT OF COMPLIANCE  
WITH WISCONSIN STATUTE 103.503  
SUBSTANCE ABUSE PREVENTION REQUIREMENTS**

STATE OF \_\_\_\_\_ ) PROJECT NAME \_\_\_\_\_  
 ) ss.  
\_\_\_\_\_ COUNTY) DPW Contract No. \_\_\_\_\_

I, \_\_\_\_\_, being first duly sworn state that:

(Print name)

1. I am the \_\_\_\_\_ of \_\_\_\_\_, a \_\_\_\_\_.

(Title)

(Company Name)

(State)

Corporation, partnership, or individual of \_\_\_\_\_,  
(City, Village, Township) (State)

and make this affidavit pursuant to the provisions of Wis. Stat. § 103.503.

2. I have entered into City of Milwaukee, Department of Public Works' Contract No.

\_\_\_\_\_, to which the provisions of Wis. Stat. 66.0903 apply.

3. I have in place a substance abuse prevention program that meets the requirements of Wis. Stat. 103.503, and I will fully comply in all respects with the requirements of Wis. Stat. 103.503 during the performance of this Contract.

4. I will include in each subcontract covering work performed under this Contract to which the provisions of Wis. Stat. 66.0903 apply, a provision similar to that in Paragraph 3 above, together with a clause requiring such insertion in further subcontracts that may in turn be made.

Title

Officer Name

Address

President

Vice President

Secretary/Treasurer

Subscribed and sworn before me this \_\_\_\_\_

day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Notary Signature

\_\_\_\_\_  
Contractor Signature

Notary Public, State of \_\_\_\_\_

My Commission Expires: \_\_\_\_\_

1121-2004-1516/96897



**CITY OF MILWAUKEE – DEPARTMENT OF PUBLIC WORKS  
EBE PARTICIPATION FOR SUBCONTRACTORS AND/OR MATERIAL SUPPLIERS**

PRIME CONTRACTOR'S NAME: \_\_\_\_\_ OFFICIAL NOTICE NUMBER: \_\_\_\_\_

DATE: \_\_\_\_\_ TOTAL BID AMOUNT: \_\_\_\_\_ TOTAL EBE AMOUNT: \_\_\_\_\_

Please list all proposed EBE subcontractor(s) and/or material supplier(s) for this project. I/We propose to utilize the following subcontractor(s) and/or material supplier(s). **NOTE:** To receive full credit EBE's must perform commercially useful work at the job site. Up to twenty percent (20%) credit may be given under certain circumstances to EBE suppliers or other EBE contractors who assist in management of the project.

EBE FIRM(S) NAME ADDRESS/CONTACT PERSON AND PHONE NUMBER	SUBCONTRACTOR OR SUPPLIER	WORK PERFORMED/ MATERIAL SUPPLIED	% OF BID	AMOUNT	AUTHORIZED EBE(S) OWNER/ REPRESENTATIVE SIGNATURE OF ACKNOWLEDGEMENT
1.					
2.					
3.					
4.					
5.					

CONTRACTOR: \_\_\_\_\_ DATE: \_\_\_\_/\_\_\_\_/\_\_\_\_  
 (SIGNATURE & TITLE REQUIRED)  
 REVIEWED BY – EBEP ANALYST: \_\_\_\_\_ DATE: \_\_\_\_/\_\_\_\_/\_\_\_\_  
 DEPARTMENT OF PUBLIC WORKS: \_\_\_\_\_ DATE: \_\_\_\_/\_\_\_\_/\_\_\_\_  
 OFFICE USE ONLY – PROJECT SUMMARY: \_\_\_\_\_



**City of Milwaukee  
Department of Public Works  
Local Business Enterprise Provisions**

**I. General:**

- A. In accordance with Chapter 365 of the Milwaukee Code of Ordinances, the application of a Local Business Enterprise (LBE) program is required in all contracting activities of the Department of Public Works, unless contrary to federal, state or local law or regulation. To this end, the Commissioner of Public Works, as a contracting officer of the City, will apply an award standard in all bids so that an otherwise responsive and responsible bidder which is a Local Business Enterprise shall be awarded the contract, provided that its bid does not exceed the lowest bid by more than 5%.
- B. Bidders seeking the Local Business Enterprise preference shall prepare and submit with the bid an accurate affidavit certifying their LBE status. Failure to do so may result in an LBE forfeiting their rights to be considered for the program.
- C. Sanctions – If any document submitted to the city by a contractor under this chapter for the purpose of participating in any city contract contains false, misleading or fraudulent information, the Commissioner of Public Works, may direct the imposition of any of the following sanctions on the offending contractor:
  - 1. Withholding of payment.
  - 2. Termination, suspension or cancellation of the contract in whole or in part.
  - 3. Denial to participate in any further contracts awarded by the City.
- D. Penalty – Any person, firm or corporation knowingly engaging in fraud, misrepresentation or in any attempt, direct or indirect, to evade the provisions of this chapter by providing false, misleading or fraudulent information shall, upon conviction, forfeit not less than \$2,000 nor more than \$5,000 together with the costs of prosecution.
- E. Right to Appeal – All contracts awarded under ss. 7-14-2 and 7-22 of the City Charter shall be awarded by the Commissioner of Public Works to the lowest responsible bidder determined in accordance with any applicable City Ordinances relating to the participation of Local Business Enterprises. Following the opening of any bid where the Commissioner has considered compliance with such City Ordinances, the Commissioner shall publish in an official City newspaper his or her determination as to the lowest responsible bidder. Any bidder who objects to the determination based on the consideration of such City Ordinances, may appeal the recommendation by filing a written appeal with the Commissioner within five (5) working days of the date of publication. The appeal shall state the specific objection to the determination, including supporting documentation, and specify an alternative determination. Any appeals that do not conform to this section shall not be considered. The Commissioner shall schedule a hearing before the Public Works Contract Appeals Committee which shall be comprised of the chair of the Economic Development Committee or his or her designee, and a member of the Economic Development Committee selected by the chair and the Director of Administration or his or her designee to be held within five days of receipt of the appeal. The Public Works Contract Appeals Committee shall have the authority by majority vote to affirm or set aside the determination of the Commissioner and their decision in this regard shall be final. In the event that a timely appeal meeting the requirements of this paragraph is not filed, or the Committee affirms the commissioner's determination following a timely appeal, the Commissioner shall make an award in accordance with his or her determination.

II. Definitions:

- A. Local Business Enterprise means a business which satisfies all of the following criteria:
1. Owns or leases property within the geographical boundaries of the City of Milwaukee. Post office boxes shall not suffice to establish status as a Local Business Enterprise.
  2. A residential address may qualify, but only if the business does not own or lease other real property, either within or outside the geographical boundaries of the City of Milwaukee.
  3. Leased property may qualify but only if at least half of the acreage of all the real property owned or leased by the business is located within the geographical boundaries of the City of Milwaukee.
  4. Has been doing business in the City of Milwaukee for at least one (1) year.
  5. Is not delinquent in the payment of any local taxes, charges or fees, or the business has entered into an agreement to pay any delinquency and is abiding by the terms of the agreement.
  6. Will perform at least 10% of the monetary value of the work required under the contract.

III. Local Business Enterprise requirement:

- A. Department of Public Works shall, unless contrary to federal, state or local law or regulation, apply an award standard in all bids so that an otherwise responsive and responsible bidder which is a Local Business Enterprise shall be awarded the contract, provided that its bid does not exceed the lowest bid by more than 5%.
- B. If the bids of two or more Local Business Enterprises do not exceed the lowest bid by more than 5%, the contract shall be awarded to the Local Business Enterprise that submitted a bid that exceeded the lowest bid by the smallest amount.
- C. If a bid submitted by a non-Local Business Enterprise and a bid submitted by a Local Business Enterprise are identical, the contract shall be awarded to the Local Business Enterprise, even if the bids are only identical due to the 5% award standard provided for in this chapter.
- D. If two bids submitted by two Local Business Enterprises are identical, the winner will be determined in accordance with the process for tie-breakers as established by the city purchasing director.
- E. If the difference between the low bidder's amount and the lowest Local Business Enterprise amount is within 5% of the low bidder and exceeds \$25,000, then the provisions in section III-A shall not apply.
- F. Paragraph III-A shall only be applied to the "base bid".



Revised December 17, 2009  
Revised February, 2010

DEPARTMENT OF PUBLIC WORKS  
CONTRACT DIVISION

LOCAL BUSINESS ENTERPRISE (LBE) PROGRAM  
AFFIDAVIT OF COMPLIANCE

**IMPORTANT: This form must be submitted with your bid to be considered for LBE status.**

Bid/RFP #: \_\_\_\_\_

Company Name: \_\_\_\_\_

Address: \_\_\_\_\_

City, State, Zip \_\_\_\_\_

This affidavit of compliance will be the contractor's sworn statement that the business meets the following criteria:

1. The business owns or leases property within the geographical boundaries of the City of Milwaukee. Post office boxes shall not suffice to establish status as a Local Business Enterprise.
2. A residential address may suffice to establish compliance as a Local Business Enterprise, but only if the business does not own or lease other real property, either within or outside the geographical boundaries of the City of Milwaukee.
3. Leased property shall not suffice to establish compliance as a Local Business Enterprise unless at least half of the acreage of all the real property owned or leased by the business is located within the geographical boundaries of the City of Milwaukee.
4. The business has owned or leased real property within the geographical boundaries of the City of Milwaukee *and* the business has been doing business in the City of Milwaukee for at least one (1) year.
5. The business is not delinquent in the payment of any local taxes, charges or fees, or the business has entered into an agreement to pay any delinquency and is abiding by the terms of the agreement.
6. The business will perform at least 10% of the monetary value of the work required under the contract.

**SITE VISITS:** Please note the contractor agrees to allow the City to verify Local Business Enterprise status by allowing City Staff to visit the operation(s) of the business that is seeking Local Business Enterprise status at any time without notice, in an effort to maintain the integrity of the City's bidding process.

If applicable, initial here \_\_\_\_\_ if criteria in #3 above is satisfied.  
Initial

(continued on next page)

I hereby declare compliance with the City of Milwaukee Code of Ordinances Chapter 365.

Authorized Signature: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Date: \_\_\_\_\_

## NOTARIZATION

Subscribed to before me on this \_\_\_\_\_ day of \_\_\_\_\_ in the year

\_\_\_\_\_, at \_\_\_\_\_ County,

\_\_\_\_\_ State.

NOTARY PUBLIC SIGNATURE: \_\_\_\_\_

(SEAL)

PRINT NAME: \_\_\_\_\_

My commission expires: \_\_\_\_\_

**PLEASE SUBMIT THIS FORM *WITH YOUR BID* TO:**  
**DEPT. OF PUBLIC WORKS – ROOM 506**  
**841 NORTH BROADWAY**  
**MILWAUKEE, WISCONSIN 53202**



Revised December 17, 2009  
Revised February, 2010

DEPARTMENT OF PUBLIC WORKS  
CONTRACT DIVISION

LOCAL BUSINESS ENTERPRISE (LBE) PROGRAM  
BUSINESS PROPERTY LOCATION FORM

**Important Note:** This form must be submitted with your bid to be considered for LBE status.

Bid / RFP # \_\_\_\_\_

**Property Location 1** Check one: Own ☐ Lease ☐

Name:	
Address:	
City, State, Zip	

**Property Location 2** Check one: Own ☐ Lease ☐

Name:	
Address:	
City, State, Zip	

**Property Location 3** Check one: Own ☐ Lease ☐

Name:	
Address:	
City, State, Zip	

**Property Location 4** Check one: Own ☐ Lease ☐

Name:	
Address:	
City, State, Zip	

**PLEASE SUBMIT THIS FORM *WITH YOUR BID* TO:**

DEPT. OF PUBLIC WORKS – ROOM 506  
841 NORTH BROADWAY  
MILWAUKEE, WISCONSIN 53202



**City Of Milwaukee**

**Department Of Public Works**

**Emerging Business Enterprise Provisions**

**I. General**

- A. In accordance with Chapter 360 of the Milwaukee Code of Ordinances, Emerging Business Enterprise (EBE) participation is required in all contracting activities of the Department of Public Works. The ordinance requires that certified EBEs be utilized for 25% of the total dollars annually expended through prime contracts or subcontracts. To that end, the Commissioner of Public Works, as a contracting officer for the City, requires all bidders to utilize EBEs as subcontractors and material suppliers on all contracts. For this contract, bidders are required to achieve a minimum 25 % EBE participation.
- B. The prime contractor shall prepare and submit accurate and timely EBE utilization forms and reports to the Department of Public Works. The reports shall include, but not be limited to, project participation (Form A), monthly utilization (Form D), and EBE subcontractor payment certification (Form E) forms as directed. Failure to submit the required forms and reports to the Department of Public Works may result in disqualification of future bids, delay of payments, or other appropriate sanctions. Final contract payments will not be made until final EBE utilization reports and EBE subcontractor payment certification forms are on file with the Department of Public Works.
- C. During the performance of this contract, the Department of Public Works reserves the right to conduct compliance reviews. If the contractor is not in compliance with the specifications, the Commissioner of Public Works will notify the contractor in writing of the corrective action that will bring the contractor into compliance. If the contractor fails or refuses to take corrective action as directed, the Department of Public Works may take one or more of the actions listed below:
  - 1. Terminate or cancel the contract, in whole or in part.
  - 2. Consider possible debarment of the prime contractor from bidding.
  - 3. Withhold payments on the contract.
  - 4. Any other remedy available to the City at law or in equity.

**II. Definitions**

- A. "EMERGING BUSINESS ENTERPRISE" (EBE) means a small business concern that is owned, operated and controlled by one or more individuals who are at a disadvantage. The individuals must have day-to-day operational and managerial control and interest in capital, financial risks and earnings commensurate with the percentage of their ownership.
- B. "INDIVIDUAL AT A DISADVANTAGE" means a person who is a citizen or lawful permanent resident of the United States and who has experienced and who continues to experience substantial difficulty in achieving business-related success as defined in subsection 5 of Chapter 360 of the Milwaukee Code of Ordinances.

"OWNED, OPERATED AND CONTROLLED" means a business which is one of the following:

1. A sole proprietorship legitimately owned and operated and controlled by an individual as defined in subsection 12.
2. A partnership or joint venture legitimately owned, operated and controlled by individuals who are at a disadvantage and who own at least 51% of the beneficial ownership interests in the enterprise and who hold at least 51% of the voting interests of the enterprise.
3. A corporation legitimately owned, operated and controlled by one or more individuals who are at a disadvantage and who own at least 51% of the outstanding shares and who hold at least 51% of the voting interests of the corporation.

### III. EBE Utilization Requirements

- A. Each prime contractor shall utilize EBE to a minimum of 0% on this contract. Note that the prime contractors shall be required to attain EBE participation on their base bid excluding specified allowances, alternatives, and change orders. EBE commitments relative to contract award shall be based upon the approved EBE Participation Form (Form A).
- B. The determination of EBE utilization shall be based on the following criteria:
  1. The firms identified as EBE by the prime contractor on the EBE Participation Form must be certified by the Emerging Business Enterprise Program prior to bid opening.
  2. The prime contractor shall be credited for the entire expenditure to EBE firms only if all of the identified scope of work is performed directly by the certified EBE firm.
  3. The prime contractor shall be credited for the entire expenditure to EBE manufacturer only if the manufacturer produces goods from raw materials or substantially alters them for resale. Only 20% of the EBE goals may be expended for EBE suppliers that do not manufacture products they supply.
  4. The prime contractor shall count toward the EBE requirement only those payments to EBEs who perform a commercially-useful function in the actual performance of the contract. While that generally means an EBE should be engaged in direct contract work, a "commercially-useful function" may also include management of a third tier subcontractor. For example, while an EBE trucking subcontractor is always expected to perform some direct work on the project, in some cases it may become necessary to subcontract work out to one or more third tier subcontractors. If a third tier subcontractor is also an EBE, the full amount of the work performed by that third tier EBE can be counted toward EBE participation. However, if the third party subcontractor is not an EBE, the prime contractor may only count 20% of the amount being subcontracted to the third tier non-EBE subcontractor. EBEs are required to notify the Department of Public Works if they subcontract out work so that the Department can determine how much, if any, of the subcontracted work can be counted toward the EBE requirement. The Commissioner of Public Works will make the final determination and evaluation of whether the EBE is performing a commercially-useful function.

C. The contractor, by signing and submitting a bid, certifies that the contractor understands the provisions of Chapter 360 and knows of and intends to comply with them. The completed EBE Participation Form (Form A) must be submitted by the apparent low bid contractor within three (3) working days after the date of the bid opening.

1. Information on Form A shall include, but not be limited to:

a. The names, addresses, telephone numbers and contact person names for the certified EBE contractors that will participate on the project as subcontractors or suppliers;

b. A description of the scope of work to be performed by the EBE on this project; and

c. The EBE contractor dollar value(s) and corresponding percentages that the dollar values represent of the total contract amount.

2. Listing an EBE on the Participation Form shall constitute a representation that the contractor has communicated directly with the EBEs listed. If awarded the contract, the bidder will enter into a subcontract with the firm for the portion of the work listed.

3. EBE participation is an element of bid responsiveness. Failure to meet the specified EBE requirements will render the bid unresponsive. The contract may then be awarded to the next apparent low bidder. Under certain circumstances, failure to meet specified EBE requirements after submission of an apparent low bid may result in surrender of the bidder's bid bond.

4. Only EBEs that have been certified by the Emerging Business Enterprise Program may be listed on the EBE Participation Form and counted towards the percentage requirements on this project. A listing of the currently City certified EBE firms is maintained at:

Emerging Business Enterprise Program Office  
200 East Wells Street  
City Hall, Room 606  
Milwaukee, Wisconsin 53202  
Phone: (414) 286-5553  
FAX: (414) 286-8752

D. After execution of the contract, if for any reason an EBE cannot perform, the prime contractor shall contact the Commissioner of Public Works for approval to substitute another certified EBE firm. The prime contractor must submit a written request for substitution which specifies the reasons for the request. Approval must be obtained prior to making substitutions. Any difference in the cost occasioned by such substitution shall be borne by the prime contractor. If the prime contractor cannot find another certified firm to do the work at a comparable price, a non-EBE firm may be substituted with the approval of the Commissioner of Public Works.

E. If the prime contractor has a problem in meeting the EBE requirements or if any other problems relative to EBE(s) arise during the completion of this project, the prime contractor shall immediately contact the Commissioner of Public Works.

F. Certification from programs other than the Emerging Business Enterprise Program is neither accepted by the City of Milwaukee nor do they have any bearing whatsoever on the eligibility criteria established by the City of Milwaukee.

G. Right to Appeal.

All contracts awarded under ss.7-14-2 and 7-22 of the City Charter shall be awarded by the Commissioner of Public Works to the lowest responsible bidder determined in accordance with applicable City ordinances for participation of the Emerging Business Enterprise Program. Following the opening of any bid involving a determination under applicable City ordinances for participation of Emerging Business Enterprises, the Commissioner of Public Works shall make a written recommendation as to the lowest responsible bidder and notify all bidders by publication in an official City newspaper as to the content of the written recommendation. Any bidder who objects to the recommendation on grounds of determinations made under applicable City ordinances for participation of Emerging Business Enterprises may appeal the recommendation on such grounds by filing a written appeal with the Commissioner of Public Works within five (5) working days of the date of publication. The appeal shall state the specific objection to the recommendation, include supporting documentation and specify an alternative recommendation. The Commissioner of Public Works shall schedule a hearing before an appeals committee consisting of the Chair of the Economic Development Committee or the Chair's designee, a member of the Economic Development Committee selected by the Chair and the Director of the Emerging Business Enterprise Program to be held within five (5) days of receipt of the appeal. The Committee shall have authority by majority vote to affirm or set aside the recommendation of the Commissioner of Public Works and its decision in this regard shall be final. In the event a timely appeal, meeting the requirements above is not filed, or the Committee affirms the Commissioner's recommendation following a timely appeal, meeting the requirements above, the Commissioner shall make an award in accordance with the recommendation.

**City of Milwaukee**

**Department of Public Works**

**Residents Preference Program Provisions**

**I. General**

- A. In accordance with Chapter 309 of the Milwaukee Code of Ordinances, residents preference hiring is required for all construction contracting activities of the Department of Public Works. The ordinance requires that 40% of WORKER HOURS worked on a DPW contract be performed by UNEMPLOYED or UNDEREMPLOYED RESIDENTS of the City, except in special cases where the Commissioner of Public Works determines there is sufficient reason to impose lesser levels of participation. Further, the Commissioner of Public Works may increase the percentage of RESIDENT worker participation to more than 40% on specific contracts. For this contract, bidders are required to show that a minimum **0%** of WORKER HOURS will be performed by UNEMPLOYED or UNDEREMPLOYED RESIDENTS of the City. Up to one-third of required worker hours may be achieved by documenting the use of UNEMPLOYED or UNDEREMPLOYED RESIDENTS on projects undertaken by the contractor where such compliance is not required, or by hiring UNEMPLOYED or UNDEREMPLOYED RESIDENTS on a full-time permanent basis for non-construction job categories connected to the project. Such adjustments must be proposed in an affidavit on a form provided by the department setting forth the facts upon which the request for adjustment is based.
- B. The contractor, prior to commencing work, shall submit an affidavit (Form I) for proof of residency for all employees utilized by the contractor and subcontractors to meet the Residents Preference Program requirements, stating that each employee is either UNEMPLOYED or UNDEREMPLOYED and is a RESIDENT of the City. The contractor shall prepare and submit accurate and timely resident utilization forms and reports to the Department of Public Works. Time Reports shall be submitted within ten (10) days following completion of work, or every three months, whichever comes first. The reports shall identify the name, address, race, gender, work classification, wage rates and hours worked of all employees utilized on the contract by the contractor and all subcontractors. Failure to submit the required forms and reports to the Department of Public Works may result in disqualification of future bids, delay of payments, or other appropriate sanctions. Final contract payments will not be made until the summary of hours worked on the back of the Prime Contractor's Affidavit of Compliance is completed and on file with the Department of Public Works.
- C. During the performance of this contract the Department of Public Works reserves the right to conduct compliance reviews. If the contractor is not in compliance with the specifications, the Commissioner of Public Works will notify the contractor in writing of the corrective action that will bring the contractor into compliance. If the contractor fails or refuses to take corrective action as directed, or if the contractor, prime or sub, submits any documents which contain any false, misleading, or fraudulent information, or if the contractor or subcontractor fail to comply with this ordinance, the Department of Public Works may take one or more of the actions listed below.
1. Withhold payments on the contract.
  2. Terminate or cancel the contract, in whole or in part.
  3. Consider possible debarment of the contractor from bidding for a period of up to two years.
  4. Any other remedy available to the City at law or in equity.

- D. The penalty for any person, firm, or corporation knowingly engaging in fraud, misrepresentation, or in any attempt directly or indirectly, to evade the provisions of this ordinance by providing false, misleading, or fraudulent information shall, upon conviction, forfeit not less than \$1,000 or more than \$5,000 together with the costs of prosecution and, upon default of payment, shall be imprisoned in the county jail or house of correction not to exceed 90 days, or until the forfeiture costs are paid.

## II. Definitions

- A. **RESIDENT** – A person who maintains his or her place of permanent abode in the City of Milwaukee. Domiciliary intent is required to establish that a person is maintaining his or her place of permanent abode in the City. Mere ownership of real property is not sufficient to establish domiciliary intent. Evidence of domiciliary intent includes, without limitations, the location where a person votes, pays personal income taxes, or obtains a driver's license.
- B. **UNEMPLOYED or UNDEREMPLOYED** – a **RESIDENT** that has worked less than 1,200 hours in the preceding 12 months or has not worked in the preceding 30 days or, regardless of employment status, has household income at or below the federal poverty guidelines as adjusted by the Wisconsin Department of Public Instruction to define eligibility for reduced lunch in public schools. A **RESIDENT** will continue to qualify as unemployed or underemployed for five (5) years from the date he or she first participates in a contract under Chapter 309. If a **RESIDENT** becomes an apprentice for a contractor or becomes a participant in an on-the-job training program as determined by the City immediately after or in the course of performing on a particular construction contract, he or she shall continue to qualify as unemployed or underemployed for a period not exceeding 5 years from the date the person became an apprentice or participant in such on-the-job training program.
- C. **WORKER HOURS** – means the total hours worked on a construction contract by skilled and unskilled construction trade workers, whether those workers are employed by the contractor or any subcontractor. In determining the total worker hours to be furnished at a construction site, the number of hours devoted to all tasks customarily performed on a construction site shall be included, whether or not such tasks are performed on the construction site. "Worker hours" includes work performed by persons filling apprenticeships and participating in on-the-job training programs and excludes the number of hours of work performed by all non-Wisconsin residents.

## III. Residency Utilization Requirements

- A. The contractor shall utilize **UNEMPLOYED or UNDEREMPLOYED RESIDENTS** of the City in a minimum amount equal to the percentage of the **WORKER HOURS** stated in paragraph 1A above.
- B. The contractor, by signing and submitting a bid, certifies that it understands the provisions of Chapter 309 and knows of and intends to comply with them, and shall ensure that all subcontractors are also informed.
- C. The contractor shall maintain, and shall ensure that all subcontractors maintain, personnel records listing the name, address, race and gender of all employees utilized for this contract and any records demonstrating that the employees utilized by the contractor in meeting the residency requirements are actual residents of the City. These records shall be maintained for seven (7) years after the contractor has received final payment under the contract and shall be made available to the Commissioner of Public Works upon reasonable notice.

- D. Compliance with these residency requirements is an element of bid responsiveness. Failure to meet the specified residency requirements will render the bid unresponsive, and the Commissioner of Public Works may then recommend the award to the next apparent low bidder.
- E. The City recognizes the following three organizations which can be contacted for access to trained or qualified workers from the City. Other organizations or sources of qualified RESIDENTS can be used at the bidder's discretion.
1. Esperanza Unida (EU), located at 1329 West National Avenue, Milwaukee, WI 53204. Telephone number 414-671-0251 Ext. 125, fax number 414-383-7392.
  2. Milwaukee Urban League, located at 435 West North Avenue, Milwaukee, WI 53212. Telephone number 414-374-5850 Ext. 103, fax number 414-374-1995.
  3. Big Step, located at 3841 West Wisconsin Avenue, Milwaukee, WI 53208. Telephone 414-342-9787, fax number 414-342-3546.
- F. If the prime contractor has problems in meeting the residency requirements or if any other problems relative to residency participation arise during the completion of this project, the prime contractor shall immediately contact the Commissioner of Public Works.
- G. Right to Appeal – All contracts awarded under ss. 7-14-2 and 7-22 of the City Charter shall be awarded by the Commissioner of Public Works to the lowest responsible bidder determined in accordance with any applicable City ordinances relating to the participation of Emerging Business Enterprise Programs or requiring participation of City RESIDENTS. Following the opening of any bid where the Commissioner has considered compliance with such City ordinances, the Commissioner shall publish in an official City newspaper his or her determination as to the lowest responsible bidder. Any bidder who objects to the determination based on the consideration of such City Ordinances, may appeal the recommendation by filing a written appeal with the Commissioner within five (5) working days of the date of publication. The appeal shall state the specific objection to the determination, including supporting documentation, and specify an alternative determination. Any appeals that do not conform to this section shall not be considered. The Commissioner shall schedule a hearing before the Public Works Contract Appeals Committee which shall be comprised of the chair of the Economic Development Committee or his or her designee and a member of the Economic Development Committee selected by the chair and the Director of Administration or his or her designee to be held within five days of receipt of the appeal. The Public Works Contract Appeals Committee shall have the authority by majority vote to affirm or set aside the determination of the Commissioner and their decision in this regard shall be final. In the event that a timely appeal meeting the records requirements of this paragraph is not filed, or the Committee affirms the Commissioner's determination following a timely appeal, the Commissioner shall make an award in accordance with his or her determination.



**City of Milwaukee**

**Department of Public Works**

**Apprenticeship Provisions**

**I. General:**

- A. In accordance with Section 309-38 of the Milwaukee Code of Ordinances, apprenticeship requirements will be specified on all Department of Public Works construction contracts, where appropriate, which are in excess of \$100,000. The ordinance requires that a contractor employ apprentices in the performance of the contract and of all subcontracts entered into by the contractor in accordance with the maximum ratio of apprentices to journeymen as established by the Wisconsin Department of Industry, Labor, and Human Relations. Fair consideration must be given to minorities and women. For this contract, bidders are required to utilize apprentice(s) from 2 of the following trade(s):

**Electrician, Pipefitter, Mason, Laborer-General Buildings**

- B. The contractor shall prepare and submit an accurate and timely A25pprenticeship Utilization Form (Form F) and other reports to the Department of Public Works. The Apprenticeship Utilization Form shall be returned with the executed contract and shall specifically identify the apprentice(s) that will work on the project. The Contractor Time Report shall be submitted within ten (10) days following completion of work or every three (3) months, whichever comes first. Failure to submit the required forms and reports to the Department of Public Works may result in disqualification of future bids, delay of payments, or other appropriate sanctions. Final contract payments will not be made until all apprenticeship related reports are on file with the Department of Public Works.
- C. During the performance of this contract the Department of Public Works reserves the right to conduct compliance reviews. If the contractor is not in compliance with the specifications, the Commissioner of Public Works will notify the contractor in writing of the corrective action that will bring the contractor into compliance. If the contractor fails or refuses to take corrective action as directed, or if the contractor, prime or sub, submits any documents which contain any false, misleading, or fraudulent information, or if the contractor or subcontractor fail to comply with this ordinance, the Department of Public Works may take one or more of the actions listed below:
1. Withhold payments on the contract.
  2. Terminate, suspend, or cancel the contract, in whole or in part.
  3. After due process, consider debarment of the contractor from bidding for a two-year period.
  4. Any other remedy available to the City at law or in equity.

**II. Definitions:**

- A. Apprentice - a person, 16 years of age or over, who shall enter into a written contract of service where he or she is to receive from or through his or her employer in consideration for his or her services, in whole or in part, instruction in any trade, craft, or business. Apprenticeship agreements shall be governed by Ch. 106, Wis. Stats.
- B. Construction - Means either new construction work or repair work on any roads, bridges, sewers, streets, alleys, buildings, or any other public works.

III. Apprenticeship Utilization Requirements:

- A. The contractor shall utilize apprentices in a minimum amount equal to that stated in paragraph I-A above.
- B. The contractor, by signing and submitting a bid, certifies that the contractor understands the provisions of Chapter 309 and knows of and intends to comply with them.
- C. The contractor shall maintain personnel records listing the names and addresses of its employees utilized for this contract in meeting apprenticeship requirements. These records shall be maintained for three (3) years after the contractor has received final payment under the contract and shall be made available to the Commissioner of Public Works upon reasonable notice.
- D. Compliance with these apprenticeship requirements is an element of bid responsiveness. Failure to meet the specified apprenticeship requirements will render the bid unresponsive, and the Commissioner of Public Works may then recommend award to the next apparent low bidder.
- E. If the prime contractor has problems in meeting the apprenticeship requirements or if any other problems relative to apprenticeship participation arise during the completion of this project, the prime contractor shall immediately contact the Commissioner of Public Works.

**CITY OF MILWAUKEE**  
**PRIME CONTRACTOR AFFIDAVIT OF COMPLIANCE**  
**WITH MINIMUM WAGE SCALE AND SPECIAL AREA WORKER HOURS PROVISIONS**

STATE OF \_\_\_\_\_ ) Project Name \_\_\_\_\_  
 ) SS.  
\_\_\_\_\_ County) DPW Contract No. \_\_\_\_\_

I, \_\_\_\_\_, being duly sworn, state that:

1. I am the \_\_\_\_\_ of \_\_\_\_\_, a \_\_\_\_\_  
(State)  
Corporation, partnership, or individual of \_\_\_\_\_,  
(City, Village, Township) (State)  
and make this affidavit pursuant to the provisions of § 66.0903 (9), Wisconsin Statutes, and Wisconsin  
Administrative Code section §DWD 290.14 regarding wage and fringe benefit rates for municipal contracts for  
construction of public works and pursuant to Section 309-41 of the Milwaukee Code of Ordinances.
2. I have recently completed the work required under the terms of the contract dated \_\_\_\_\_,  
With the City of Milwaukee, Department of Public Works for the construction of all or part of the above-named public works  
project and make this affidavit in order to obtain my final payment.
3. I have fully complied with the wage and hour requirements as set forth in the above-referenced contract and paid overtime  
rates (1-1/2 times) for any work over ten (10) hours per day or forty (40) hours per week.
4. I have received similar evidence of compliance with the contract wage rates and special impact area worker hour re-  
quirements in the form of completed affidavits from each of my agents and subcontractors who worked on this project and  
have listed their names on the reverse side of this affidavit along with numbers and percentages of worker hours.
5. I have full and accurate records which clearly show the name, trade or occupation, and home address of every laborer,  
worker, or mechanic that I employed in connection with the work on this project, as well as the hours worked and actual wage  
and fringe benefits paid to such employees. These records will be kept at \_\_\_\_\_ in the  
custody of \_\_\_\_\_, whose address and telephone number are \_\_\_\_\_  
\_\_\_\_\_. These payroll records and evidence of compliance set in  
Paragraph 4 will be retained and made available for inspection for a period of at least **seven (7)** years following the completion  
of the project and will not be removed without prior notification to the commissioner of Public Works.

<u>Title</u>	<u>Officer Name</u>	<u>Address</u>
<u>President</u>	_____	_____
<u>Vice President</u>	_____	_____
<u>Secretary-Treasurer</u>	_____	_____

Subscribed and sworn to before me this \_\_\_\_\_  
Day of \_\_\_\_\_, 20\_\_\_\_

\_\_\_\_\_  
(Notary Signature)

Notary Public, State of \_\_\_\_\_

My commission Expires: \_\_\_\_\_

\_\_\_\_\_  
(Contractor Signature)



**SUMMARY OF HOURS WORKED**  
(TARGET RESIDENCY VS TOTAL HOURS)

Name	No. of Hours of Special Impact Area Workers	% of Total Hours	No. of Hours of All Other Workers	% of Total Hours	Total of All Worker Hours
<b>Prime Contractor:</b>					
<b>Subcontractors:</b>					
<b>GRAND TOTAL</b>					



**CITY OF MILWAUKEE**  
**SUBCONTRACTOR AFFIDAVIT OF COMPLIANCE**  
**WITH MINIMUM WAGE SCALE AND SPECIAL AREA WORKER HOURS PROVISIONS**

STATE OF \_\_\_\_\_ ) Project Name \_\_\_\_\_  
 ) SS.  
\_\_\_\_\_ County) DPW Contract No. \_\_\_\_\_

I, \_\_\_\_\_, being duly sworn, state that:

1. I am the \_\_\_\_\_ of \_\_\_\_\_, a \_\_\_\_\_  
(State)  
Corporation, partnership, or individual of \_\_\_\_\_,  
(City, Village, Township) (State)  
and make this affidavit pursuant to the provisions of § 66.0903 (9), Wisconsin Statutes, and Wisconsin  
Administrative Code section § DWD 290.13 regarding wage and fringe benefit rates for municipal contracts for  
construction of public works and pursuant to Section 309-41 of the Milwaukee Code of Ordinances.
2. I have recently completed the work required under the terms of the contract dated \_\_\_\_\_,  
With the City of Milwaukee, Department of Public Works and \_\_\_\_\_  
for the construction of all or part of the above-named public works (Name of Prime Contractor)  
project and make this affidavit in order to obtain my final payment.
3. I have fully complied with the wage and hour requirements as set forth in the above-referenced contract and paid  
overtime rates (1-1/2 times) for any work over ten (10) hours per day or forty (40) hours per week.
4. I have full and accurate records which clearly show the name, trade or occupation, and home address of every laborer,  
worker, or mechanic that I employed in connection with the work on this project, as well as the hours worked and actual  
wage and fringe benefits paid to such employees. These records will be kept at \_\_\_\_\_  
in the custody of \_\_\_\_\_, whose address and telephone number are \_\_\_\_\_  
\_\_\_\_\_. These payroll records and evidence of compliance set  
in Paragraph 4 will be retained and made available for inspection for a period of at least **seven (7)** years following the  
completion of the project and will not be removed without prior notification to the commissioner of Public Works.
5. I certify that \_\_\_\_\_ were the total number of hours worked on this project with \_\_\_\_\_ hours  
being worked by residents of the special impact area and \_\_\_\_\_ hours being worked by all other  
workers.

<u>Title</u>	<u>Officer Name</u>	<u>Address</u>
<u>President</u>	_____	_____
<u>Vice President</u>	_____	_____
<u>Secretary-Treasurer</u>	_____	_____

Subscribed and sworn to before me this \_\_\_\_\_  
Day of \_\_\_\_\_, 20\_\_\_\_

\_\_\_\_\_  
(Notary Signature)

Notary Public, State of \_\_\_\_\_

My commission Expires: \_\_\_\_\_

\_\_\_\_\_  
(Contractor Signature)



**DEPARTMENT OF ADMINISTRATION  
EMERGING BUSINESS ENTERPRISE PROGRAM**

**Form D - EBE MONTHLY REPORT**

(1) Report for the Month of \_\_\_\_\_ 20\_\_\_\_ (Final: yes \_\_\_ no \_\_\_)

(2) Prime Contractor/Firm \_\_\_\_\_

(3) Full Address & Phone Number: \_\_\_\_\_

(4) Description of service performed and/or material supplied \_\_\_\_\_

(5) Purchase Order /Contract# \_\_\_\_\_ (6) Project Number \_\_\_\_\_

(7) Start Date: \_\_\_\_\_ (8) Prime Contractor's Total \$: \_\_\_\_\_

(9) Completion Date: \_\_\_\_\_ (10) Prime Contractor to date \$: \_\_\_\_\_

(11) EBE % \_\_\_\_\_ and EBE \$ amount \_\_\_\_\_

List all EBE subcontractor firm(s) utilized in connection with the above contract, either as service performed and/or supplier for the month. This form shall be signed and returned. **If this represents the final report, be sure to attach EBE Payment Certification Form (Form E).**

NAME OF EBE FIRM(s)	SERVICE PERFORMED/ MATERIAL SUPPLIED	AMOUNT PAID FOR THE MONTH	TOTAL \$ PAID TO DATE
<b>TOTAL PAID TO EBE(s)</b>			

I/we hereby certify that I/we have read the above and approved this information to be precise and confirmed.

(12) Report Prepared By: \_\_\_\_\_  
(Name) (Title) (Phone Number)

(13) Authorized Signature : \_\_\_\_\_  
(Name) (Title)

(14) Date \_\_\_\_\_

Note: This form should be submitted no later than the 20<sup>th</sup> of every month to **DEPARTMENT of PUBLIC WORKS CONTRACT ADMINISTRATION, Room 506, Municipal Building, 841 North Broadway, Milwaukee, WI.**

**DIRECTIONS FOR EBE MONTHLY REPORT (FORM D)**

1. List the month that the report is being submitted. Note: If this is the final report, check yes and submit Form E Subcontractor Payment Certification Form.
2. Prime contractor's or firm's registered company name.
3. List full registered business address to include city/state, zip code and telephone number.
4. Brief description service performed and/or material supplied on this contract.
5. List the official Purchase Order or Contract Number, as represented on the contract or purchase order.
6. List the project number as represented on the front page of the contract.
7. List the start date of the project.
8. List the total dollars awarded to the prime contractor.
9. List the completion date of the project.
10. Total dollars paid to Prime contractor to date.
11. List the EBE percentage on this project and the EBE dollar amount.
12. List the name, title and phone number of the individual who prepared the report.
13. Provide the authorized signature and title of the individual who approves the report.
14. List the date that the report is completed.

**THIS REPORT IS DUE THE 20TH OF EVERY MONTH FOR THE PREVIOUS MONTH'S ACTIVITY. FAILURE TO RETURN THIS FORM BY THE SPECIFIED TIME MAY CAUSE A DELAY IN PAYMENTS.**

**Ref: EBEPCentral/EBEForms/FormD.doc**

**City Of Milwaukee**

**Department Of Public Works**

**Emerging Business Enterprise Program (EBE)  
Subcontractor Payment Certification**

(This form must be completed by the EBE subcontractor and attached to the Prime Contractor's Final EBE Report)

**-SUBCONTRACTOR EXECUTES-**

**Section A - EBE Company Officer Completes For Payment That Has Been Received**

**EBE Subcontractor Name:** \_\_\_\_\_

**Official Notice No.:** \_\_\_\_\_ **Project No.** \_\_\_\_\_ **DPW Contract No.** \_\_\_\_\_

I hereby certify that I have received \$ \_\_\_\_\_ for subcontract work on the above project.

**Dated:** \_\_\_\_\_ **Signature of EBE Subcontractor:** \_\_\_\_\_

**Printed Name & Title of EBE Subcontractor:** \_\_\_\_\_

**Acknowledged by Prime Contractor Signature:** \_\_\_\_\_

**Printed Name & Title of Prime Contractor:** \_\_\_\_\_

\*\*\*\*\*

**- PRIME CONTRACTOR & SUBCONTRACTOR EXECUTE -**

**Section B - Prime contractor and EBE Company Officers Complete if Full Payment Has Not Been Made to the EBE Subcontractor and a balance remains to be paid.**

**Prime Contractor:** \_\_\_\_\_

**EBE Subcontractor:** \_\_\_\_\_

**Official Notice No.:** \_\_\_\_\_ **Project No.** \_\_\_\_\_ **DPW Contract No.** \_\_\_\_\_

I hereby certify that I will pay \$ \_\_\_\_\_ to \_\_\_\_\_  
for subcontract work on the above project.

**Dated:** \_\_\_\_\_ **Signature of Prime Contractor:** \_\_\_\_\_

**Printed Name & Title of Prime Contractor:** \_\_\_\_\_

**Acknowledged by EBE Subcontractor Signature:** \_\_\_\_\_

**Printed Name & Title of EBE Subcontractor:** \_\_\_\_\_



## PROPOSED RESIDENT/APPRENTICE UTILIZATION FORM

This is a preliminary statement of proposed workforce needs where known

Official Notice # \_\_\_\_\_ Project # \_\_\_\_\_ Contract # \_\_\_\_\_

Contractor \_\_\_\_\_

JOB CATEGORY	PROPOSED # OF HOURS ON THIS PROJECT	PROPOSED # OF HOURS FOR SPECIAL IMPACT AREA RESIDENTS	PROPOSED # OF HOURS FOR ALL OTHER WORKERS
<b>TRUCK DRIVERS:</b>		( %)	( %)
<b>OPERATING ENGINEERS:</b>			
<i>Journeyman</i>		( %)	( %)
<i>Apprentices</i>		( %)	( %)
<b>SKILLED TRADES: (Specify)</b>			
<i>Journeyman</i>		( %)	( %)
<i>Apprentices</i>		( %)	( %)
<i>Trainees</i>		( %)	( %)
<b>LABORERS: (Specify type)</b>			
		( %)	( %)
		( %)	( %)
		( %)	( %)
		( %)	( %)
		( %)	( %)

NAME and ADDRESS of  
Target Area Residents:

_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

NAME and ADDRESS of  
Apprentices:

_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____



\_\_\_\_\_  
Contractor Name

\_\_\_\_\_  
DPW Contract No.

**Employee Affidavit  
Residents Preference Program**

I certify that I maintain my permanent residence in the City of Milwaukee and that I vote,  
pay personal income tax, obtain my driver's license, etc. at

\_\_\_\_\_, Milwaukee, WI \_\_\_\_\_  
(Address) (Zip Code)

**Residency status:**

To verify my resident status, attached please find the following (check one)

- ☐ Copy of my voter's certification form.  
☐ Copy of my last year's Form 1040.  
☐ Copy of my current Wisconsin Driver's License or State ID.  
☐ Copy of Other (i.e., Utility bill, Lease, etc.)

**AND**

**Unemployment status:**

I certify that I have been unemployed as follows: (Check those that apply)

- ☐ I have worked less than 1,200 hours in the preceding 12 months.  
☐ I have not worked in the preceding 30 days.

**OR**

**Underemployed status:**

☐ I certify that based on the attached chart (Income Eligibility Guidelines), I am underemployed.

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Sign Name

\_\_\_\_\_  
Social Security Number

\_\_\_\_\_  
Home Telephone Number

Subscribed and sworn to me this \_\_\_\_\_ day

Of \_\_\_\_\_, \_\_\_\_\_ A.D.

My Commission Expires \_\_\_\_\_.

\_\_\_\_\_  
Notary Public Milwaukee County

## RPP Chart

### Income Eligibility Guidelines July 1, 2009 to June 30, 2010

Eligibility determination is based on household size and income. Total income must be at or below the amount in the table.

Household Size	Yearly	Monthly	Twice per month	Every 2 weeks	Weekly
1	20,036	1,670	\$835	\$771	\$386
2	26,955	2,247	1,124	1,037	519
3	33,874	2,823	1,412	1,303	652
4	40,793	3,400	1,700	1,569	785
5	47,712	3,976	1,988	1,836	918
6	54,631	4,553	2,277	2,102	1,051
7	61,550	5,130	2,565	2,368	1,184
8	68,469	5,706	2,853	2,634	1,317
For each add'l household member add	6,919	577	289	267	134

Source: Wisconsin Department of Public Instruction  
School Nutrition Programs